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SENSITIVE
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TAGS: [CVIS](#) [PREL](#) [JA](#)
SUBJECT: RESPONDING TO JAPAN ON ESTA

REF: TOKYO 1711

11. (U) This is an action request. Please see para 2.

12. (SBU) Embassy Tokyo is requested to share the text below as a non-paper with relevant officials in the Government of Japan (GOJ) in response to questions about the Electronic System for Travel Authorization (ESTA) to the United States.

BEGIN TEXT OF NON-PAPER:

The Government of the United States appreciates the Government of Japan's continuing interest in the ongoing rollout of the Electronic System for Travel Authorization (ESTA) and welcomes this opportunity to respond to the Government of Japan's questions about the system.

Q: Will there be an exchange of diplomatic notes to mark the implementation of the ESTA requirement as there was at the inception of the Visa Waiver Pilot Program in 1988?

A: No. The Department of State has not requested its overseas embassies to deliver formal diplomatic notes concerning the implementation of ESTA.

Q: Will ESTA be able to accommodate last-minute submissions from travelers at the airport?

A: ESTA applications may be submitted at any time prior to traveling to the United States under the Visa Waiver Program (VWP), and in most cases, ESTA will provide an almost immediate determination of eligibility for travel under the VWP. However, the Department of Homeland Security (DHS) recommends that ESTA applications be submitted as early as possible, at least 72 hours prior to travel, or even before travel is planned. ESTA will accept applications from last minute and emergency travelers)even at the airport, if they have access to a computer with internet connections and will accommodate those applicants without problems in most cases.

Q: Please clearly give us the information on where should we refer to if ESTA was not authorized.

A: If an ESTA application is denied and the traveler wishes to continue with the trip, the traveler will be required to apply for a nonimmigrant visa at a U.S. Embassy or Consulate. For more about visa application procedures, please visit www.travel.state.gov.

Q: When traveling to South America or Europe, travelers will need to update ESTA information by themselves at each time of their transit. Please tell us what kind of measures we

should take when Traveler forgot to update, and how do you take procedures.

A: An approved travel authorization via ESTA is only required for travelers who wish to travel within or transit the United States under the Visa Waiver Program. An approved travel authorization via ESTA is generally valid for up to two years and for multiple entries to the United States. Travelers may update their itinerary each time they travel; however, this is not required. A new travel authorization is only required if (1) the traveler is issued a new passport; (2) the traveler changes his or her name; (3) the traveler changes his or her gender; (4) the traveler's country of citizenship changes; or (5) the circumstances underlying the traveler's previous responses to any of the ESTA application questions requiring a "yes" or "no" response have changed.

Q: In order to speed up data entering, please upgrade system, for example: if we enter country of citizenship, the same country will be entered automatically for passport issuing country.

A: The Government of the United States appreciates this request and will consider it within the context of ongoing efforts to improve ESTA.

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Q. Please provide more official announcement to public. Ordinary people still do not know about ESTA.

A: DHS and the Department of State have been conducting an aggressive international outreach campaign to inform the VWP traveling public of the need to obtain an advance travel authorization via ESTA. These ongoing efforts will be enhanced over the next several months as additional information on the ESTA requirement is published through print media, travel web sites, brochures, trade shows and magazines, tear sheets, fact sheets, and Frequently Asked Questions. Consular and immigration officials from Washington, DC, and from U.S. diplomatic missions throughout Japan have conducted a variety of outreach activities intended to publicize the launch of ESTA in Japan. To date, these efforts have targeted airlines, travel agencies, business groups, and the media, among other organizations. The Government of the United States will continue to pursue outreach opportunities to educate the Japanese public about ESTA.

Q: In order to check ESTA approval at airline check-in counters, the ESTA system must be connected to airline computers. Please inform us of your plans to connect the system.

A: The U.S. Customs and Border Protection (CBP) Advance Passenger Information System (APIS)/APIS Quick Query (AQQ) infrastructure will advise carriers through interactive messaging if a VWP traveler has received an ESTA, so that the carrier may appropriately approve or deny the traveler boarding. DHS has been coordinating with commercial aircraft and vessel operators on the development and implementation of messaging capability that will enable carriers to receive interactive APIS (Advanced Passenger Information System) messages pertaining to a traveler's ESTA status. DHS has updated and provided carriers with the Consolidated User Guide and UN/EDIFACT Guide to reflect the new ESTA requirements, and DHS has also been engaged in an aggressive outreach campaign to the carrier industry to achieve compliance with APIS pre-departure and ESTA requirements, in an effort to minimize operational impact. Once all carriers are capable of receiving and validating messages pertaining to a traveler's ESTA status, DHS intends to fully automate the Form I-94W and eliminate the paper form.

Q: In the last meeting, the Embassy explained that during three months after 1/12/09, it will be considered as interim period. Is it OK to understand that it will apply to airlines at the airport also?

A: Not exactly. DHS has been working closely with the airline carriers to ensure compliance. DHS will implement an informed compliance period for ESTA beginning on November 17, 2008, for citizens or nationals from the new VWP countries (Czech Republic, Estonia, Hungary, Latvia, Lithuania, Slovakia, and South Korea) and for all VWP travelers beginning January 12, 2009. DHS will continue to work closely with the carriers to reach full compliance.

Q: If Traveler came to the airport without up-dating flight No., address in the U.S. or other information which needs to be updated, should we need to check correctness of all these information?, or it will be OK for us to just check "ESTA is authorized or not"?

A: Basically, yes, just check whether ESTA is approved. VWP travelers may update their travel itinerary and destination details in their ESTA application; however, this is not required. The CBP APIS/AQQ infrastructure will advise carriers through interactive messaging if an alien has received an ESTA, so that the carrier may appropriately approve or deny the alien boarding. For the purposes of the ESTA program, air carriers will be responsible for validating the ESTA status message and responding accordingly. Separately, under the APIS Pre-departure Final Rule, carriers are required to collect and transmit to DHS the "address while in the United States" (number and street, city, state, and zip code) for all passengers except U.S. citizens, lawful permanent residents, or persons who are in transit to a location outside the United States.

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Q: Currently, airline companies are collecting I-94W at the time of exit from the United States. We understand that after 1/12/09, travelers using airline companies that connect to the ESTA system will not be required to submit I-94W. Will airline companies be required to report exit records to the U.S. Government in a new way?

A: Until further notice, travelers will still be required to complete the form. Eventually, the implementation of the ESTA program will allow DHS to eliminate the requirement that VWP travelers complete a paper Form I-94W prior to being admitted to the United States. There are many operational concerns and prerequisites associated with the elimination of the paper Form I-94W including the capability of carriers to validate ESTA status messages. DHS will closely monitor carrier capabilities and traveler compliance to ensure a smooth transition to I-94W elimination.

Q: In order to check ESTA approval at airline check-in counter, ESTA system and airline computer should be connected. Please let us know your plan of connecting test and the name of section in charge of the test.

A: The DHS APIS/AQQ infrastructure will advise carriers through interactive messaging if a VWP traveler has received an ESTA, so that the carrier may appropriately approve or deny the traveler boarding. DHS has been coordinating with commercial aircraft and vessel operators on the development and implementation of messaging capability that will enable carriers to receive interactive APIS messages pertaining to a traveler's ESTA status. DHS has updated and provided carriers with the Consolidated User Guide and UN/EDIFACT Guide to reflect the new ESTA requirements. DHS has begun

testing the ability to send and receive ESTA status messages with individual carriers. Airlines should contact their APIS Account Manager for additional information about scheduling testing.

Q: If a traveler is not authorized entry under ESTA, will he or she will be placed on black list and required to have a U.S. visa for all future travel?

A: A traveler who has been denied travel authorization via ESTA will be required to have a valid visa unless the circumstances leading to the denial have changed and the individual subsequently obtained an approved travel authorization via ESTA. Reapplying with false information for the purposes of qualifying for an ESTA could make the traveler permanently ineligible for travel to the U.S.

Q: Currently, ESTA is free, but do you have any plan to charge?

A: DHS is not currently collecting a fee for ESTA applications. If it is determined later that a fee will be charged, the fee would be implemented through the U.S. Government's rulemaking process.

Q: How does one handle cancellations of travel after the travel is already authorized under ESTA?

A: VWP travelers are not required to have specific plans to travel to the United States before they apply for an ESTA. If a traveler's destination address in the United States is unknown when he or she completes the ESTA application, the traveler should enter the name of the hotel or approximate location he or she intends to visit. Travelers may update this information when their plans are finalized, but they will not be required to update their destination addresses or itineraries should they change after their ESTA has been approved.

Q: How does one process ESTA approvals if the name of the traveler changes within 72 hours of departure?

A: A new travel authorization is required if (1) the traveler is issued a new passport; (2) the traveler changes his or her name; (3) the traveler changes his or her gender; (4) the traveler's country of citizenship changes; or (5) the circumstances underlying the traveler's previous responses to any of the ESTA application questions requiring a "yes" or "no" response have changed. If a traveler wishes to correct

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an error regarding the critical data (biographical data and passport information) on their ESTA application, they may reapply immediately if the ESTA had originally been approved.

If it had originally been denied, they will be required to wait ten days to submit a new application from the date their original application was denied.

Q: We request you to set up enough computers, access to ESTA by mobile phones, and information desks at all the airports where outbound flights to the U.S. from Japan are involved.

A: The resources that would be required to support this request are currently unavailable. We appreciate the suggestion and will evaluate the feasibility in future. Please note that a third party, such as a relative, friend, travel agent, or airline employee, may submit an ESTA application on behalf of the VWP traveler.

Q: A grace period for ESTA needs to be implemented for those

who did not obtain an ESTA in advance until ESTA becomes well known and until there are no confused travelers at the airport.

A: Once ESTA is mandatory on January 12, 2009, all nationals or citizens of VWP countries who plan to travel to the United States for temporary business or pleasure under the VWP will require an approved ESTA prior to boarding a carrier to travel by air or sea to the United States under the VWP. Travelers who have not received ESTA approval by the mandatory compliance date (November 17, 2008, for eligible citizens or nationals from the Czech Republic, Estonia, Hungary, Republic of Korea, Latvia, Lithuania and Slovakia; and January 12, 2009 for all VWP travelers) may be denied boarding, experience delayed processing, or be denied admission at a U.S. port of entry. DHS will implement an informed compliance period for ESTA beginning on November 17, 2008, for citizens or nationals from the new VWP countries and for all VWP travelers beginning January 12, 2009. DHS will continue to work closely with VWP travelers and the carriers to reach full compliance.

Q: What was the European Union's reaction to ESTA?

A: We defer to other governments to explain their reactions to the ESTA requirement.

Q: Can ESTA be accessed/data entered from a cell phone?

A: Yes. DHS technicians have successfully accessed and entered data into the online ESTA website using mobile internet devices. If the Government of Japan is aware of specific instances where users are unable to utilize the online system using mobile internet devices, we would ask that we be notified of such specific problems. Once an issue is identified, we will begin research on what is required to implement necessary corrections and modifications.

Q: Can the Government of the United States set up an information center, such as a call center, to respond to questions about ESTA until it becomes well established?

A: The resources that would be required to support this request are currently unavailable. Travelers are urged to consult DHS's extensive online resources, including the online help section within the ESTA application Web site located at <https://esta.cbp.dhs.gov>, and the answers to the frequently asked questions that are posted on-line at <http://www.cbp.gov/esta>. We appreciate the suggestion and will evaluate the feasibility in future.

END TEXT OF NON-PAPER.
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